

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

UNITED STATES OF AMERICA,

Plaintiff,

v.

ANDRE G. SIMMONS,

Defendant.

ORDER

09-cr-122-bbc

Defendant Andre G. Simmons's motion to dismiss the indictment, dkt. #110, is DENIED. Defendant has the right to ask to speak with any government witness but no witness is obligated to speak to him, his lawyer or his investigator.

No evidentiary hearing is necessary to determine whether government witness Kurt Schulte refused to speak with defendant's investigator of his own free will. Schulte has sworn under oath that he does not want to speak to defendant's investigator and that he initiated contact with Sergeant Jeff Wilson, a member of the West Central Drug Task Force,

because of his desire to avoid contact with the investigator. No further inquiry is necessary.

Entered this 24th day of August, 2010.

BY THE COURT:

/s/

BARBARA B. CRABB

District Judge